

FREEDOM OF THE PRESS



Congo, Democratic Republic of (Kinshasa)

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The state of press freedom in the Democratic Republic of Congo (DRC) remained deplorable in 2011, with historical structural weaknesses compounded by widespread intimidation of journalists in connection with the country's November presidential and parliamentary elections.

The laws of the DRC and the country's 2005 constitution provide for freedom of speech, information, and the press, but these rights are limited in practice by President Joseph Kabila's government and various nonstate actors. Officials have used an array of regulations and laws to restrict free speech and suppress political criticism, including bringing criminal charges against journalists and shutting down broadcast operations. Several journalists were charged under the DRC's repressive criminal defamation laws in 2011. Of note was the month-long sentence handed down in June to Freddy Mulumba Kabwaya, managing director of one of Kinshasa's largest private daily newspapers, *Le Potentiel*, for defamation against a leading politician. Journalists were also subject to a range of vague anti-state charges. For instance, Dédé Ilunga, a reporter for Radio Océan, was held for 17 days in September as a result of his criticisms of the government. Another recent legal trend has seen national authorities closing down media outlets due to alleged unpaid taxes and fees. In May, private TV station Radio Télé Kin Malebo (RTKM) had its offices closed and its signal suspended for not paying about \$850,000 in taxes; similarly, five community and faith-based radio stations were shuttered in November—one week before the elections—for allegedly failing to pay license fees of \$15,000. On December 31, French station Radio France Internationale had its broadcasts suspended by the communications minister for about a week for its critical coverage of events after the elections.

Local media outlets are subject to regulation by the High Authority on Media (HAM). The agency's mandate is to ensure freedom of expression, but it has the power to temporarily suspend outlets for hate speech and other serious ethical transgressions, and its decisions have at times been criticized as politically biased. In October 2009, the National Assembly passed a bill establishing yet another regulatory agency, the High Council for Broadcasting and Communication (CSAC); Kabila appointed the CSAC's 15 members in August 2011.

In September, in an effort to provide a semblance of balanced coverage of the election campaign, the media and political parties signed a CSAC code of conduct that called for open access to media coverage for all presidential candidates and the elimination of hate speech. The 11 presidential candidates received an hour each on national outlets and private stations, as well as time on Radio Okapi, an independent radio station funded by the UN peacekeeping mission and other international donors. However, the European Union election observer mission noted that media coverage of the candidates was significantly preferential to Kabila in the lead-up to the elections, with the incumbent

2012 SCORES

PRESS STATUS

Not Free

PRESS FREEDOM SCORE

83

LEGAL ENVIRONMENT

25

POLITICAL ENVIRONMENT

34

ECONOMIC ENVIRONMENT

24

receiving more than 85 percent of television airtime. In December, Congolese press freedom group *Journaliste en Danger* (JED) called for the closure of the CSAC due to its frequent manipulation by politicians and apathy in following up on basic instances of press freedom violations.

The trend of attacks and harassment that journalists have faced in the past continued in 2011. Reporting that was perceived as sympathetic to opposition parties faced the worst intimidation. One journalist was killed in the DRC in 2011, bringing to nine the number of journalists killed in the country since 2005, according to Reporters Without Borders and JED. In June, radio journalist Kambale Musonia was gunned down in North Kivu Province by armed men who were waiting for him as he returned home. Also, in March, technician Hardy Kazadi Ilunga of Radio-Télévision Mosaïque was murdered in front of his house in the southern town of Likasi by assailants wearing police uniforms.

Frequent harassment of journalists in the country comes from multiple sources, including national and local government officials, the security services, and nonstate actors. Government officials and security agents throughout the country frequently harass journalists and media outlets via the National Intelligence Agency (ANR). In August 2011, Yves Kisombe, a member of the National Assembly, threatened to rape Radio Télévision Satellitaire 1 (RTVS1) editor in chief Eugénie Ntumbain after she made an audio recording of a phone conversation in which she asked for his comments on the opposition's call for transparent elections. Dozens, if not hundreds, of journalists were detained in the DRC during 2011, often arrested with no warrants and held on unclear charges. Also, local authorities were frequently responsible for the intimidation of journalists. In February, the community radio station Radio du Peuple Oïcha, in Beni, North Kivu Province, was forced to close down after angering the deputy provincial administrator by hosting a call-in show in which citizens lamented the worsening state of security in the area. In June, arsonists in support of the provincial governor raided and burned down part of the private network Radio Télévision Lubumbashi JUA, allegedly because of its broadcasts questioning his leadership. Nonstate actors, including armed groups, also subjected journalists to threats and abuse. Radio host Baby Balukuna, a supporter of opposition presidential candidate Etienne Tshisekedi, was attacked by a mob of men with machetes and sticks in June. Journalists working in the war-torn east of the country, especially in the Kivu provinces, where a multiyear military offensive against foreign-origin armed groups is ongoing, were particularly vulnerable to threats and self-censorship.

Attacks on journalists worsened significantly in November and December, when dozens of journalists reported incidents and the government enacted tight controls to cope with pre- and postelection turmoil. As the presidential campaigns reached a head in November, journalists reported increased instances of harassment, including threats, beatings, intimidation, and confiscation of equipment. Various provincial governors began censoring television and radio programs, including international outlets. In Kinshasa, two television channels, Canal Futur Télévision (CFTV) and Radio Lisanga Télévision (RLTV), had their broadcast signals disconnected, widely believed to be the result of their support for opposition politicians. As the election unfolded on November 28, violence, repression, and arrests continued. Journalists were widely detained and questioned, and opposition party television stations, such as RLTV, were raided and overtaken by national authorities and members of the CSAC. International media outlets, such as Jeune Afrique, also reported being barred from entering the country.

The population of the DRC largely relies on radio broadcasts for the news, due to high rates of illiteracy and the relatively high cost of newspapers and television. Many private newspapers are nevertheless published, particularly in Kinshasa, and although they are not always objective, they are often highly critical of the government. There are several hundred privately owned radio and television stations, in addition to three state-owned radio stations and a state-owned television station. The state broadcasters reportedly favor Kabila's party, though other political parties represented in the government are occasionally given airtime. The only nationwide independent radio network, Radio Okapi, has set new standards for reporting and media objectivity in a volatile political scene. Many media outlets are reportedly owned by public

figures and businessmen, and are used for political propaganda rather than objective reporting. Journalists at major outlets are usually poorly paid and lack sufficient training, leaving them vulnerable to bribery and political manipulation.

While internet access has spread in urban areas thanks to the proliferation of private internet cafés, only 1.2 percent of the population accessed the internet in 2011. The government was widely criticized by journalists' and human rights groups for its decision to suspend text-messaging capabilities across the country from December 3 to December 28. The government claimed the move was necessary to "to maintain public order and protect the safety of property and people" in the wake of disputes and protests over the presidential election results.

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